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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/270,844	03/18/1999	SHINICHI HAGIWARA	35.G2367	3085

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT PAPER NUMBER

2613

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/270,844

Applicant(s)

HAGIWARA, SHINICHI

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed with respect to claims 1-18 as filed in Paper 7 on 3/13/02 have been fully considered but they are not persuasive.
2. The Applicant's present three arguments contending the Examiner's rejection of claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Sugiyama in view of Kazumi, as was set forth in the prior Office Action of Paper 7 as mailed on 3/13/02. However, after a careful consideration of the arguments, the Examiner must respectfully disagree, and maintain the grounds of rejection against the amended claims for the reasons that follow.

Firstly, the Applicants argue that fail to disclose "...reading information regarding a focus area used in image recording by the camera..." (Paper 7: page 7, lines 13-20). The Examiner respectfully disagrees. While it is duly noted by the Applicants that the bar codes disclosed therein allow a user to select camera operations during image capture, one of those conditions is the setting of the focus detection points of CCD1-CCD3 during image capture (Kazumi: column 11, lines 1-15) where such information is transferred to the bar code (Kazumi: column 14, lines 9-11). The Examiner asserts focus detection points is focus area information as it is broadly recited in the claims. Accordingly, the Examiner maintains that this limitation is met.

3. Secondly, the Applicants argue that Suzuki fails to disclose "...reading information magnetically recorded on the photographic film, and outputting and processing images..." (Paper 7: page 7, lines 21-22). The Examiner strongly disagrees. Suzuki discloses reading information magnetically by means of a magnet sensor/head (Suzuki: column 4, lines 30-35), and further

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discloses that this information is recorded in the form of a like bar code of the Kazumi reference (Suzuki: column 4, lines 40-45). Thus incorporating the bar code of the Kazumi reference, said bar code representing the focus detection points during image capture, into Suzuki would meet this limitation. Furthermore, it is noted that claims 1-4, and 10-14 don't mention the use of a magnetic sensor. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., magnetic sensors) are not recited in the rejected claim(s) 1-4 and 10-14. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, the Examiner maintains the second limitation is met.

Lastly, the Applicants argue that the proposed combination would use information based on image recording by a camera during image capture (Paper 7: page 8, lines 3-8). The Examiner disagrees. Since the primary Suzuki reference teaches of using the gathered during image, that is how the combination would be accomplished, especially to effect the video playback feature of the secondary feature (Kazumi: column 16, lines 55-65). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

A detailed rejection addressing the amended claims follows below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama in view of Kazumi.

Sugiyama discloses an apparatus that displays images recorded by a camera (Sugiyama: column 4, lines 37-45), said apparatus comprising: a reading device (Sugiyama: column 4, lines 58-60) that reads information used in image capture (Sugiyama: column 4, lines 45-50); and an output device that outputs signals to display images based on the information used by said reading device (Sugiyama: column 4, lines 17-25), as in claim 1. However, Sugiyama fails to disclose the use of focus area information as the read information. Kazumi discloses that for a camera taking photographs (Kazumi column 2, lines 17-45), it is known to record focus area information (Kazumi: column 10, lines 65-68; column 11, lines 1-5; column 14, lines 1-22 & 52-68) to aid in video picture reproduction (Kazumi: column 16, lines 45-68; column 17, lines 1-2) and further discloses recording this information on a magnetic medium (Kazumi: column 16, lines 35-43). Accordingly, given this advantageous teaching of recording and implementing focus area information for a captured image as by Kazumi, it would have been obvious for one of ordinary skill in the art to incorporate the focus area information as information to be used for Sugiyama's image display apparatus in order to aid in the automatic zoom feature disclosed

therein (Sugiyama: column 8, lines 23-25). The Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has all of the features of claim 1.

Regarding claim 2, the Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has that the focus area information representing a position of said focus area used in the image recording by said camera (Kazumi: column 11, lines 2-5; column 14, lines 9-11), as in the claim.

Regarding claim 3, the Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has the output device processing the images recorded by said camera so that a position of said focus area used in the image recording by said camera is centered in a display, and outputs signals for displaying the processed images (Sugiyama: column 4, lines 15-30; column 9, lines 5-10), as in the claim.

Regarding claim 4, the Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has the output device using as a reference point a position of said focus area used in the image recording by said camera to enlarge the images recorded by said camera, and outputs signals for displaying the enlarged images (Sugiyama: column 8, lines 20-25 & 60-65), as in the claim.

Regarding claim 5, the Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has a reading device that includes a magnetic head that reads magnetic information recorded on a photographic film used in said camera (Sugiyama: column 4, lines 58-60), as specified.

Sugiyama discloses an apparatus that displays images recorded by a camera (Sugiyama: column 4, lines 37-45), said apparatus comprising: an image capture sensor for capturing images

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optically recorded on a photographic film (Sugiyama: column 5, lines 5-35); a reading device (Sugiyama: column 4, lines 58-60) that reads information magnetically recorded on the photographic film (Sugiyama: column 4, lines 35-50); and an output device that processes and outputs the images captured by the image-capture sensor by using the information read said reading device (Sugiyama: column 6, lines 45-60), including information regarding a focus area used during image capture (Sugiyama: column 4, lines 17-25), as in claim 6. However, Sugiyama fails to disclose the use of focus area information as the read information. Kazumi discloses that for a camera taking photographs (Kazumi column 2, lines 17-45), it is known to record focus area information (Kazumi: column 10, lines 65-68; column 11, lines 1-5; column 14, lines 1-22 & 52-68) to aid in video picture reproduction (Kazumi: column 16, lines 45-68; column 17, lines 1-2) and further discloses recording this information on a magnetic medium (Kazumi: column 16, lines 35-43). Accordingly, given this advantageous teaching of recording and implementing focus area information for a captured image as by Kazumi, it would have been obvious for one of ordinary skill in the art to incorporate the focus area information as information to be used for Sugiyama's image display apparatus in order to aid in the automatic zoom feature disclosed therein (Sugiyama: column 8, lines 23-25). The Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has all of the features of claim 6.

Regarding claim 7, the Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has a storage device that stores images captured by said image capture sensor, wherein said output device processes and outputs images stored in said storage device (Sugiyama: column 7, lines 30-65), as in the claim.

Regarding claim 8, the Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has the output device processing the images recorded by said camera so that a position of said focus area used in the image recording by said camera is centered in a display, and outputs signals for displaying the processed images (Sugiyama: column 4, lines 15-30; column 9, lines 5-10), as in the claim.

Regarding claim 9, the Sugiyama apparatus, now incorporating Kazumi's use of focus area information, has the output device using as a reference point a position of said focus area used in the image recording by said camera to enlarge the images recorded by said camera, and outputs signals for displaying the enlarged images (Sugiyama: column 8, lines 20-25 & 60-65), as in the claim.

Sugiyama discloses a method that displays images recorded by a camera (Sugiyama: column 4, lines 37-45), said method comprising the steps of: reading information used in image capture (Sugiyama: column 4, lines 45-50); outputting signals to display images based on the information used by said reading device (Sugiyama: column 4, lines 17-25), as in claim 10. However, Sugiyama fails to disclose the use of focus area information as the read information. Kazumi discloses that for a camera taking photographs (Kazumi column 2, lines 17-45), it is known to record focus area information (Kazumi: column 10, lines 65-68; column 11, lines 1-5; column 14, lines 1-22 & 52-68) to aid in video picture reproduction (Kazumi: column 16, lines 45-68; column 17, lines 1-2) and further discloses recording this information on a magnetic medium (Kazumi: column 16, lines 35-43). Accordingly, given this advantageous teaching of recording and implementing focus area information for a captured image as by Kazumi, it would have been obvious for one of ordinary skill in the art to incorporate the focus area information as

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information to be used for Sugiyama's image display method in order to aid in the automatic zoom feature disclosed therein (Sugiyama: column 8, lines 23-25). The Sugiyama method, now incorporating Kazumi's use of focus area information, has all of the features of claim 10.

Regarding claim 11, the Sugiyama method, now incorporating Kazumi's use of focus area information, has that focus area information representing a position of said focus area used in the image recording by said camera (Kazumi: column 11, lines 2-5; column 14, lines 9-11), as in the claim.

Regarding claim 12, the Sugiyama method, now incorporating Kazumi's use of focus area information, has the outputting step including processing the images recorded by said camera so that a position of said focus area used in the image recording by said camera is centered in a display, and outputs signals for displaying the processed images (Sugiyama: column 4, lines 15-30; column 9, lines 5-10), as in the claim.

Regarding claim 13, the Sugiyama method, now incorporating Kazumi's use of focus area information, has the outputting step using as a reference point a position of said focus area used in the image recording by said camera to enlarge the images recorded by said camera, and outputs signals for displaying the enlarged images (Sugiyama: column 8, lines 20-25 & 60-65), as in the claim.

Regarding claim 14, the Sugiyama method, now incorporating Kazumi's use of focus area information, has the reading step includes a magnetic head that reads magnetic information recorded on a photographic film used in said camera (Sugiyama: column 4, lines 58-60), as specified.

Sugiyama discloses a method that displays images recorded by a camera (Sugiyama: column 4, lines 37-45), said method comprising: capturing images by an image capture sensor optically recorded on a photographic film (Sugiyama: column 5, lines 5-35); reading information magnetically recorded on the photographic film (Sugiyama: column 4, lines 35-50); and processing and outputting images captured by the image-capture sensor by using the information read said reading device (Sugiyama: column 6, lines 45-60), including information regarding a focus area used during image capture (Sugiyama: column 4, lines 17-25), as in claim 15. However, Sugiyama fails to disclose the use of focus area information as the read information. Kazumi discloses that for a camera taking photographs (Kazumi column 2, lines 17-45), it is known to record focus area information (Kazumi: column 10, lines 65-68; column 11, lines 1-5; column 14, lines 1-22 & 52-68) to aid in video picture reproduction (Kazumi: column 16, lines 45-68; column 17, lines 1-2) and further discloses recording this information on a magnetic medium (Kazumi: column 16, lines 35-43). Accordingly, given this advantageous teaching of recording and implementing focus area information for a captured image as by Kazumi, it would have been obvious for one of ordinary skill in the art to incorporate the focus area information as information to be used for Sugiyama's image display method in order to aid in the automatic zoom feature disclosed therein (Sugiyama: column 8, lines 23-25). The Sugiyama method, now incorporating Kazumi's use of focus area information, has all of the features of claim 15.

Regarding claim 16, the Sugiyama method, now incorporating Kazumi's use of focus area information, has a storing step that stores images captured by said image capture sensor, wherein said processing and outputting step processes and outputs the stored image (Sugiyama: column 7, lines 30-65), as in the claim.

Regarding claim 17, the Sugiyama method, now incorporating Kazumi's use of focus area information, has processing and outputting step including processing of the images recorded by said camera so that a position of said focus area used in the image recording by said camera is centered in a display, and outputs signals for displaying the processed images (Sugiyama: column 4, lines 15-30; column 9, lines 5-10), as in the claim.

Regarding claim 18, the Sugiyama method, now incorporating Kazumi's use of focus area information, has the processing and outputting step includes using as a reference point a position of said focus area used in the image recording by said camera to enlarge the images recorded by said camera, and outputs signals for displaying the enlarged images (Sugiyama: column 8, lines 20-25 & 60-65), as in the claim.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-6606 for regular communications and (703)-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY S. RAO
PRIMARY EXAMINER

asr
May 16, 2002